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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,996	07/08/2003	Yennun Huang	33081/US/2	6243
38598	7590	08/08/2007	EXAMINER	
ANDREWS KURTH LLP 1350 I STREET, N.W. SUITE 1100 WASHINGTON, DC 20005			OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER
			2157	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/613,996	Applicant(s) HUANG ET AL.	
	Examiner Ramy M. Osman	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is responsive to amendment filed on May 21, 2007, where applicant amended claim 21 and cancelled claim 22. Claims 1-21,23-27 are pending.

Response to Arguments

2. Applicant's arguments filed 5/21/2007 have been fully considered but they are not persuasive.
3. Applicant argues that Banavar does not teach "selectively routing the packet based upon the inspecting and the quality of service guarantee" and does not teach "propagating the filter to a router".

In reply, Banavar discloses "content-based routing" in column 6 lines 51-54 & column 8 lines 53-55. Banavar further incorporates by reference Patent number 6091724 which expands on the details of the content based routing.

Banavar also discloses "quality of service" in column 6 line 65 – column 7 line 5 and column 8 line 65 – column 9 line 5, by explaining one of the quality of service parameter called "uniform delivery" which is used in forwarding the messages.

And, Banavar also discloses propagating a filter in column 6 line 51 – column 7 line 5 and column 8 lines 53-67, since when a subscriber specifies their subscription properties this inherently means propagating a filter for use in forwarding content.

Applicants claim language is broad and is thus broadly interpreted to be anticipated by Banavar.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-21,23-27 rejected under 35 U.S.C. 102(e) as being anticipated by Banavar et al (US Patent No 7,050,432).**

6. In reference to claims 1 and 14, Banavar teaches a method and apparatus respectively for routing packets in a network in conjunction with a quality of service guarantee, comprising:

receiving a packet having a header section and a payload section (column 5 lines 49-67);

inspecting the payload section of the packet in a network core for use in

determining how to route the packet (column 6 lines 51-54 & column 8 lines 53-55);

determining a quality of service guarantee for the packet (column 6 line 65 – column 7 line 5 and column 8 line 65 – column 9 line 5); and

selectively routing the packet based upon the inspecting and the quality of service guarantee (column 6 line 50 – column 7 line 5 and column 8 line 50 – column 9 line 5).

7. In reference to claims 2 and 15, Banavar teaches the method and apparatus of claims 1 and 14, wherein the inspecting step includes determining whether information in the payload section matches content predicate information in a structure associating the content predicate information with corresponding network destinations (column 6 line 50 – column 7 line 5 and column 8 line 40 – column 9 line 5).

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8. In reference to claims 3 and 16, Banavar teaches the method and apparatus of claims 1 and 14, further including performing the inspecting step at a router in the network core (column 6 lines 25-60).

9. In reference to claims 4 and 17, Banavar teaches the method and apparatus of claims 1 and 14, wherein the inspecting step includes matching a filter to information in the payload section (column 8 lines 40-67).

10. In reference to claims 5 and 18, Banavar teaches the method and apparatus of claims 4 and 17, further including propagating the filter to a router in the network for use in performing the inspecting (column 8 lines 40-67).

11. In reference to claims 6 and 19, Banavar teaches the method and apparatus of claims 1 and 14, further including programming a router in the network for performing the receiving, inspecting, and routing steps (column 8 lines 40-67).

12. In reference to claims 7 and 20, Banavar teaches the method and apparatus of claims 1 and 14, wherein the inspecting step includes inspecting attributes for use in determining how to route the packet or whether to drop the packet altogether (column 10 lines 20-40).

13. In reference to claims 8 and 21, Banavar teaches a method and apparatus respectively for routing messages in a network, comprising:

receiving a message having a header section, at least one subject, and at least one attribute (column 5 lines 49-67);

retrieving the subject and the attribute from the message (column 5 lines 49-67 and column 8 lines 40-67);

retrieving a subscription based upon the subject (column 7 lines 1-35);

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determining a quality of service guarantee for the message (column 6 lines 60-67);
applying the attribute to the subscription in a network core in order to determine
how to route the message (column 7 lines 1-35); and
selectively routing the message based upon the applying and the quality of service
guarantee (column 7 lines 1-35).

For claim 21, additionally: wherein the module for retrieving the subscription includes a
module for retrieving a filter corresponding with the subscription (column 6 line 51 – column 7
line 5 and column 8 lines 40-67).

14. In reference to claim 9, Banavar teaches the method and apparatus of claim 8, wherein
the retrieving the subscription step includes retrieving a filter corresponding with the
subscription (column 6 line 51 – column 7 line 5 and column 8 lines 40-67).

15. In reference to claims 10 and 23, Banavar teaches the method and apparatus of claims 8
and 21, further including routing the message if the attribute satisfies the subscription
(column 8 lines 40-67).

16. In reference to claims 11 and 24, Banavar teaches the method and apparatus of claims 8
and 21, further including discarding the message if the attribute does not satisfy the
subscription (column 10 lines 20-40).

17. In reference to claims 12 and 25, Banavar teaches the method and apparatus of claims 8
and 21, further including: retrieving a plurality of filters corresponding with a plurality of
subscriptions; retrieving a plurality of attributes from the message; matching each of the
attributes to each of the filters to determine if any of the corresponding subscriptions are

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satisfied; and selectively routing the message based upon whether any of the subscriptions are satisfied (column 8 lines 40-67).

18. In reference to claims 13 and 26,27, Banavar teaches the method and apparatus of claims 8 and 21, further including performing the inspecting step at a router in the network core (column 6 lines 25-60).

Conclusion

19. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and priority documents) is implied as being applied to teach the scope of the claims.

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
August 3, 2007


ARIO ETIENNE
PATENT EXAMINER